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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/577,874   | 04/28/2006  | Ippei Shake          | 290617US40PCT       | 6068             |
| 22850  | 7590        | 06/10/2009           | EXAMINER            |                  |
| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      | MANSOURY, NOURALI   |                  |
|  |             | ART UNIT             | PAPER NUMBER        |                  |
|  |             | 2419                 |                     |                  |
|  |             | NOTIFICATION DATE    | DELIVERY MODE       |                  |
|  |             | 06/10/2009           | ELECTRONIC          |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/577,874             | SHAKE ET AL.        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | NOURALI MANSOURY       | 2419                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04/28/2006.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-74 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) \_\_\_\_\_ is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) 1-74 are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-19, drawn to a packet transfer method in a network apparatus that transfers packets, wherein: a sending side apparatus generates two copies of a send packet, provides a sequence number identifying the same sending sequence to each of the copied packets, provides an identifier corresponding to a send/receive pair to each of the copied packets to send the packets, a region of the memory using the circulating hash is divided into n (n is an integer no less than 2) to which addresses 1-n are assigned, classified in class 711, subclass 216.
  - II. Claims 20-38 drawn to a packet transfer apparatus for transferring packets, comprising: sending function means comprising: copy means for generating two copies from a send packet; number/identifier providing means for providing a sequence number identifying the same sending sequence to each of the packets copied by the copy means, and providing an identifier corresponding to a send/receive pair to each of the copied packets; memories each for storing one of the two received packets, classified in class 370, subclass 390.
  - III. Claims 39-42, drawn to a packet transfer method performed by packet transfer apparatuses provided in a packet sending side and a receiving side in a

communication network for transferring a packet by determining a transfer destination by referring to destination information of the packet, wherein: equal to or more than two independent routes are set between the sending side packet transfer apparatus and the receiving side packet transfer apparatus, classified in class 370, subclass 394.

IV. Claims 43-46, 61-69 drawn to a packet transfer apparatus used in a packet transfer system including a plurality of packet transfer apparatuses provided in a packet sending side and a receiving side via equal to or more than two independent routes in a communication network for transferring a packet by determining a transfer destination by referring to destination information of the packet, the packet transfer apparatus comprising sending function means and receiving function means, classified in class 455, subclass 500.

V. Claims 47-55, 59, 73 drawn to a packet transfer method performed by packet transfer apparatuses provided in a packet sending side and a receiving side in a communication network for transferring a packet by determining a transfer destination by referring to destination information of the packet, wherein: equal to or more than two independent routes are set between the sending side packet transfer apparatus and the receiving side packet transfer apparatus; the sending side packet transfer apparatus distinguishes a high reliability packet from non-high reliability packets by referring to a part of a packet header of the packet, and copies the high reliability packet into packets

to send them to all of the independent routes respectively, classified in class 714, subclass 1.

VI. Claims 56-58, 70-72 drawn to a packet transfer method performed by packet transfer apparatuses provided in a packet sending side and a receiving side in a communication network for transferring a packet by determining a transfer destination by referring to destination information of the packet, wherein: equal to or more than two independent routes are set between the sending side packet transfer apparatus and the receiving side packet transfer apparatus and the receiving side packet transfer apparatus stores the sameness identifying information of packets already sent downstream for  $m$  ( $m$  is an integer equal to or greater than one) preceding packets from the newest packet, and compares the stored sameness identifying information with sameness identifying information of a next arriving packet so as to determine whether the arriving packet is one already sent or not, classified in class 370, subclass 428.

VII. Claims 60, 74 drawn to packet transfer apparatuses provided in a packet sending side and a receiving side in a communication network for transferring a packet by determining a transfer destination by referring to destination information of the packet, wherein: a plurality of independent routes are set between the sending side packet transfer apparatus and the receiving side packet transfer apparatus; when arrival of packets is interrupted for a predetermined time in the active system, another system

is adopted as a new active system, and a packet received in the new active system is transferred downstream classified in class 370, subclass 395.4.

The inventions are distinct, each from the other because of the following reasons: Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

2. Applicant is advised that the reply to this requirement to be complete must include an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Application/Control Number: 10/118,691 Page 3 Art Unit: 2666 Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable

over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NOURALI MANSOURY whose telephone number is (571)270-5671. The examiner can normally be reached on Monday-Thursday, 12:00-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571-272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NOURALI MANSOURY  
Examiner  
Art Unit 2419

Art Unit: 2419

/DANG T TON/

Supervisory Patent Examiner, Art Unit 2419/D. T. T./

Supervisory Patent Examiner, Art Unit 2419